

Before the

UNITED STATES SENATE

COMMITTEE on COMMERCE, SCIENCE, AND TRANSPORTATION

STATEMENT OF THE

AMERICAN TRUCKING ASSOCIATIONS, INC.

ON

TRUCK SAFETY

WALTER B. McCORMICK, JR.

PRESIDENT & CEO

AMERICAN TRUCKING ASSOCIATIONS, INC.
2200 MILL ROAD
ALEXANDRIA, VA 22314
703-838-1866

April 27, 1999
Washington, D.C.

I. INTRODUCTION

I am Walter B. McCormick, Jr., President and Chief Executive Officer of the American Trucking Associations, Inc. The ATA is a federation that includes more than 3,000 direct dues-paying motor carrier members, affiliated state trucking associations, and 14 conferences which represent virtually all segments of the trucking industry. Combined, ATA is a federation of over 35,000 trucking companies.

Our industry has been a leader in the improvement of highway safety. Truck safety, and overall highway safety, is ATA's highest priority. Placing a sincere and genuine focus on safety is not only the responsible thing to do for us as a transportation trade group, but it also makes good business sense for our members. Safety really is good business because a profitable trucking company is a *safe* trucking company.

Therefore, on behalf of the ATA federation, I would like to thank Chairman McCain and the members of this committee for your interest in truck safety, for holding this hearing and for allowing us the opportunity to testify.

II. ATA HAS A COMMITMENT TO PROMOTING CONTINUING HIGHWAY SAFETY IMPROVEMENTS

ATA has and will continue to support viable legislative initiatives designed to improve truck safety and protect the lives of those with whom we share the nation's highways.

ATA is proud of its history of working to improve truck and highway safety, and we are committed to continuing the improvements that have been made. While there is no question that more can be done, since 1980, the year in which the industry was economically deregulated, trucking has progressively become safer. Here are some facts.

- The number of ***fatal crashes*** involving trucks has declined from 5,042 to 4,572 – a 9.5% decrease (see Chart #1 attached).
- The number of ***trucks involved in fatal crashes*** has dropped from 5,379 in 1980, to 4,871 in 1997 -- also a 9.5% decrease (see Chart #2 attached).
- The number of ***truck occupant fatalities***, either truck drivers or passengers in trucks, has decreased from 1,262 in 1980, to 717 in 1997 – a

remarkable 43% decrease (see Chart #3 attached).

- The ***total number of people killed in crashes involving large trucks (truck drivers, occupants in trucks, occupants in other vehicles, and pedestrians)*** has decreased from 5,971 to 5,355 – a 10.5% decline (see chart #4 attached).

These raw numbers clearly show that the trucking industry has taken safety seriously. But what is more impressive about the improving trucking safety record is the fact that it's come during a time of explosive growth in the trucking industry. This growth may best be depicted by the increase in the mileage trucks have driven annually since 1980.

- In 1980, truck mileage was 108 billion miles. In 1997, trucks covered 191 billion miles. That's an astounding 77% increase. Thus, when you couple the decreasing fatal truck accident numbers with the increasing truck mileage, the improving truck safety picture becomes even clearer (see chart #5 attached).
- The ***fatal crash rate*** has declined nearly 50% since 1980. That year there were 4.6 crashes per 100 million miles. In 1997, the rate was 2.4 crashes per 100 million miles traveled (see chart #6 attached). No one can dispute the trends in the raw numbers or the rates over the past two decades.

Since deregulation, the industry has worked with all parties to improve highway safety, including the Congress and this committee, which has been instrumental in funding many safety programs since the early 1980s.

The Department of Transportation and, in particular, the Federal Highway Administration (FHWA), deserves credit as well. FHWA has successfully implemented many important safety and education programs aimed at improving the safety of the vehicle, the driver, and company operations. And, FHWA's enforcement of its safety requirements has played a key role in the safety improvements.

Without question, the state commercial vehicle enforcement agencies, as represented by the Commercial Vehicle Safety Alliance (CVSA), have contributed greatly to truck safety over the years. Their focus on improving the condition of trucks and buses operating on our highways has, without a doubt, saved many lives and prevented countless injuries.

But the trucking industry deserves credit as well for improving the condition of trucks and the skill of drivers operating on our nation's highways. The industry has

worked cooperatively with the Congress, and with the Reagan, Bush and Clinton administrations to develop and implement programs which have saved lives.

- The Motor Carrier Safety Assistance Program, or MCSAP, was created by statute only 17 years ago in 1982. Now it is a cooperative federal-state grant program that results in more than 2 million commercial vehicle and driver inspections annually. It has been held up as a model federal grant program, and for good reason. The trucking industry supported the program since its creation in 1982, and will continue to support it at even higher levels of funding because it has made and continues to make the roads safer.
- The Commercial Drivers License Program, or CDL, introduced and pushed by the trucking industry, is another very successful program for which the Congress and FHWA deserve a great deal of credit. Fully implemented only seven years ago, it has clearly raised the licensing standards for professional drivers nationwide. Just recently, FHWA completed and submitted to Congress its first report on the effectiveness of the CDL program. While we are looking at supporting some reinforcements and improvements in the program, the report found that the CDL program has been successful in meeting the objectives outlined by Congress in the 1986 Act creating the program and that is making the highways safer.

ATA has pushed for other initiatives and programs which have directly contributed to truck safety in this country.

- In the late 1980s, the industry supported mandatory drug testing of truck drivers. The trucking industry was one of the first industries to voluntarily implement testing programs in the 1980s, and has been covered by federal regulations since 1989. The industry has also been a supporter of mandatory alcohol testing resulting from legislation passed in 1991.
- The industry has also worked with the Congress and FHWA to eliminate commercial zones around large cities where trucks and drivers were formerly operating without complying with federal safety requirements.
- We have also worked in partnership with the government to ban the use of radar detectors in trucks because we all know that these devices are used for a single purpose, to evade enforcement of our speed limit laws.
- We have long had a policy supporting a 55 mph speed limit. We have also consistently supported strict enforcement of speed limit laws.

IV. MORE CAN BE DONE TO IMPROVE HIGHWAY AND MOTOR CARRIER SAFETY

ATA recently announced a comprehensive plan that the trucking industry believes will improve motor carrier and highway safety, resulting in decreased fatalities and further improvement to the fatality rate. It is a balanced safety plan built around improvements in enforcement, education and engineering. ATA believes that plan should include improved and updated regulations, monies for advanced research and greater enforcement resources, and enhanced educational efforts.

There are several components to this agenda; however, foremost has to be reform of the 60-year-old hours of service regulations. The existing HOS rules were established with no scientific basis, they are inconsistent with the metabolism of the body, and they simply do not help carriers to manage their drivers' alertness. Several Congressionally-established deadlines calling for finalization of the HOS rules, including one which just passed last month, have come and gone. FHWA has not yet proposed new rules, nor has a decision been made on which rulemaking process they will use to develop these rules. ATA has consistently stated that it is willing to sit down anywhere at anytime to move forward on the reform of these outdated rules.

Second, the Office of Motor Carrier and Highway Safety (OMCHS) and other parts of FHWA must do what they can to encourage states to provide more rest area parking for truck drivers, as well as for all drivers. In cooperation with OMCHS, ATA recently completed a study that found that there are at least 28,000 additional public truck parking spaces needed on the Interstate Highway System. Unfortunately, the Congress in the TEA-21 legislation directed the Department to conduct another study of the problem, this time looking at the larger National Highway System. Nonetheless, OMCHS and FHWA must begin encouraging states to use a portion of their increased highway funding under TEA-21 to expand existing public rest areas where there is demand and, in some cases, provide new rest stops for truck drivers if the private sector is not meeting the demand.

In addition, OMCHS should work with the trucking industry, and with CVSA, to discourage states from enforcing parking time limits on resting truck drivers at public rest areas. It simply doesn't make sense to advise drivers to rest when they are tired, yet not have enough rest area spaces to accommodate them when they heed that advice.

OMCHS should also be authorized and appropriated substantially higher amounts of funding for its safety enforcement programs. This should include both federal enforcement programs, and state enforcement efforts. In particular, the Motor Carrier Safety Assistance Program (MCSAP) should be funded at \$200 million per

year, a 100% increase over the current level. MCSAP is a successful program and has contributed to the declining fatality rate over since its inception 15 years ago. However, it can be even more effective.

Increased MCSAP funding should, at a minimum, be directed toward the following efforts:

- (1) greater speed limit and other traffic law enforcement efforts that are coupled with truck and driver safety inspections. This would increase the enforcement emphasis on unsafe truck driver behavior;
- (2) increased state-based enforcement resources to monitor the safety of foreign-owned trucks entering the U.S.;
- (3) enhanced crash and carrier safety performance data collection to allow the agency to better identify and target potentially unsafe drivers and trucking companies for compliance audits or other enforcement actions; and,
- (4) an emphasis on commercial vehicle crash investigation and causation analysis to better identify the causes of truck and bus crashes.

Fourth, OMCHS and the states should continue to strengthen the Commercial Drivers License (CDL) program, which was fully implemented in 1992. Like MCSAP, the CDL program has contributed to improved driver and carrier safety since its inception, but the program can have a greater impact on truck safety. Specifically, OMCHS must ensure that all states are accurately reporting out-of-state driver convictions to the driver's state of licensure, and doing so in a timely fashion. OMCHS must also ensure that driver convictions are not *hidden from an employer's view* in the system, as is the case in at least 15 states. It is essential that a CDL record reflect a driver's complete history while driving a commercial vehicle. There is no better predictor of future driving behavior than past driving behavior. OMCHS must use all of the tools at its disposal, including the withholding of a state's highway funds, to ensure states' compliance with the established elements of the CDL program.

We also believe that OMCHS can improve its mandated drug and alcohol testing program to improve safety. The results of a recent survey of motor carriers conducted by OMCHS indicates that the percentage of randomly tested drivers who tested positive for drug use fell 41% from 2.2% in 1996 to 1.3% in 1997. This is good news. But we want to do even more to rid the highways of drivers who use drugs. There should be a federal ban on the sale and advertising of "adulterant" products designed and marketed for the sole purpose of beating a drug test. Drivers found to possess or use an adulterant product should suffer CDL consequences. Additionally, information from positive drug and alcohol tests should be captured on either a driver's CDL record, or in a separate database accessible by motor carriers. Again, the idea is to provide a complete history of a driver's behavior regarding federal and state safety requirements.

ATA also believes that OMCHS should have a substantially larger research budget of at least \$15 million per year. A majority of the increased research should be directed toward human factors research aimed at improving driver safety programs and regulations. Additional research money should also be directed at helping the Department learn how to include durability, reliability and maintainability factors in new truck design standards. These standards must no longer ignore how well or how long a critical safety system on a truck will perform.

OMCHS and the industry should also place an even greater focus on the implementation of safety education and training programs. For example, the agency's "No Zone" program is a well-conceived program aimed at providing information to all motorists about the blind spots around large commercial vehicles. ATA has participated through its "How to Drive" press conferences from the inception of the "No-Zone" program. As OMCHS indicates in their FY 2000 budget proposal, crash data reveal that approximately 70 percent of fatal crashes involving a car and a truck are "attributable to errors or unsafe operating practices by passenger vehicle drivers in the vicinity of the truck."

A new OMCHS study, done in conjunction with the University of Michigan and released just this month, confirms that passenger vehicle drivers contribute disproportionately to fatal crashes involving a large truck and a passenger vehicle. In 89% of head-on fatal crashes, according to this study, the passenger vehicle crossed the centerline into the truck's lane. In rear-end fatal crashes, the passenger vehicle was the striking vehicle almost four times as often as the large truck. These findings clearly point to the need for greater sharing-the-road education for passenger car drivers. Existing share-the-road programs should be expanded with the help of additional resources provided by Congress.

Additionally, we have all seen how partnerships between government and industry can contribute to the overall safety of other modes of transportation. For example, just more than a year ago, the FAA administrator launched a government and industry cooperative program, *Safer Skies*, to reach a goal of reducing the commercial aviation fatality rate by 80 percent by 2007. ATA believes the same partnering for safety should be encouraged, not criticized, in the trucking industry. For example, OMCHS should continue to work with its industry partners to educate small motor carriers on compliance with federal safety regulations, as well as effective safety management practices. There have been recent indications from OMCHS that they are backing away from education partnerships with industry. This would be a mistake, and ATA encourages Congress to express its support for appropriate government-industry partnerships that are designed to improve safety.

We believe that this balanced safety approach will positively impact motor carrier and highway safety.

(5) THE TRANSFER OF OMC TO NHTSA FAILS TO ACCOMPLISH TRUE HIGHWAY SAFETY OBJECTIVES

Organizations perform best when they have a core mission around which they operate. FHWA's core mission is to administer a \$27 billion per year highway program. The focus is not the safety of trucking operations. As Kenneth Mead, the Inspector General for the Department of Transportation, stated in his written testimony to the U.S. House of Representatives Ground Transportation Subcommittee on March 17, 1999, FHWA's mission has been primarily directed towards "surface infrastructure development," consistent with its mission. That mission "demands and deserves a significant amount of senior management attention within FHWA. Motor carrier safety often seems subordinate..."

Likewise, the core mission of the National Highway Traffic Safety Administration (NHTSA) was designed 30 years ago to promote highway safety by establishing safer vehicle design standards for newly manufactured cars and trucks. Its focus is not on trucking safety and trucking operations. NHTSA, according to Inspector General Kenneth Mead's March 17 testimony, has functions which *seemingly* overlap OMC. However, NHTSA's enforcement activities are "vastly different," according to the Inspector General. His March 17 written testimony goes on to say that, "NHTSA does not currently have an enforcement mission anywhere near what is needed to maintain effective oversight of the motor carrier industry and necessary to bring about significant reductions in fatalities." The Inspector General goes on to say that NHTSA also "does not have the field structure necessary to execute and support an effective motor carrier oversight program."

FHWA is a highway agency. NHTSA is an engineering agency. And while both have done work in promoting transportation safety consistent with their core missions, their missions do not include commercial vehicle safety. Mr. Chairman, every other mode of transportation has its own modal administration charged with a core mission of oversight. Only trucking, which moves over 80% of the freight in this country, is without its own separate DOT modal administration. It is time to make such an administration a reality.

VI. ATA SUPPORTS LAW ENFORCEMENT'S CALL FOR A SEPARATE MOTOR CARRIER ADMINISTRATION

Highway safety, as it relates to trucking, is not improved by simply moving a box on an organizational chart. It requires an agency committed to a core mission of improving trucking safety.

ATA endorses the proposals made by CVSA, and by the Owner Operator Independent Drivers Association, for Congress to establish a separate modal administration which would focus exclusively on the motor carrier industry. We endorse the idea because we believe it holds the most promise for improving safety.

Indeed, since this idea was proposed late last year, a growing number of organizations concerned with improving highway safety have announced that they are supportive of this change, including the American Bus Association, the United Motor Coach Association, the International Brotherhood of Teamsters, and Freightliner Corporation, the largest manufacturer of commercial vehicles in the United States. We expect other groups will come forward to support a modal administration for trucking. Indeed, just last week, at hearings before the National Transportation Safety Board on Truck and Bus Safety, the American Automobile Association agreed that the concept has merit.

It may sound strange for an industry to promote a separate government oversight organization; however, because the trucking industry is interstate in nature, we believe there must be a strong federal agency with the appropriate manpower to effectively ensure the operating safety of tens of thousands of companies nationwide.

Trucking's impact on the economy is enormous. The numbers show that the trucking industry dominates freight transportation in this country. In 1998, 82 percent of the freight transportation bill in this country went to trucking. That 82 percent totaled \$346 billion. The remaining 18 percent was split between freight hauled on the rails, in the air, in pipelines, and on the water.

And while these other modes are regulated by separate administrations, the safety and efficiency of the trucking industry is regulated by a small office within FHWA, the nation's highway building agency. The trucking industry and the motoring public deserve a federal agency that has truck and bus safety as its core mission. This would allow an administrator, appointed by the President and confirmed by Congress, to sit with other administrators from the other modes as an equal.

This is not a new idea. In fact, Vice President Gore supported such an administration in 1985 when it was proposed by Senator Ernest F. Hollings. At that time, according to the Congressional record, "a motor carrier administration would serve several important functions...it would fulfill the purposes of the Department of Transportation Act relative to transportation policy...safety...improving transportation systems and protecting consumer interests...[and] would provide comprehensive research, planning, and programming that will enable Congress and the Federal Government to make well founded and properly directed legislative and regulatory decisions...".

Now, 14 years later, as our economy has grown even more reliant on trucking

and the roads become even more crowded, we agree with the law enforcement community, the bus industry, organized labor, and other organizations committed to a real safety agenda, that it is indeed past time to revive the debate.

Mr. Chairman, the time has come to advance the motor carrier safety agenda and truly make a difference. We are ready to seize this opportunity to promote the acceptance of a separate modal administration dedicated to the advancement of the many motor carrier safety issues before us.

We look forward to working with you, Mr. Chairman, the members of the Committee, all members of Congress, the DOT, the Administration and all parties involved in making the roads as safe as possible. We ask all members of Congress to think “outside the box” and establish a new approach to motor carrier safety that is consistent with trucking’s dominant role in the country’s economy.

Thank you for providing ATA an opportunity to provide this information to the Committee.